

Donald E. Dorfman (SBN 63725)
Andrew R. Neilson (SBN 221694)
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, CA 94111
Telephone: (415) 984-8200
Facsimile: (415) 984-8300

Attorneys for Plaintiff
WESTCHESTER SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

vs.

URATA & SONS CEMENT, INC. and
BOSA DEVELOPMENT CALIFORNIA II,
INC.

Defendants.

CASE NO. C 11-02438 PJH

**STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING RESPONSIVE PLEADING
DEADLINE AND RESCHEDULING CASE
MANAGEMENT CONFERENCE**

STIPULATION

This is an insurance coverage dispute. Plaintiff Westchester Surplus Lines Insurance Company ("Westchester") seeks a judicial declaration regarding its duties and obligations arising from an underlying action known as Liburd v. Bosa Development, Inc. et al., San Francisco Superior Court, Case No. CGC-09-491615 (the "Underlying Action"). Westchester, together with Defendant Urata & Sons Cement, Inc. ("Urata." Collectively, the "Parties") are presently negotiating issues in the Underlying Action which could materially affect the coverage questions herein.

1 The Parties believe that it would promote efficiency and conservation of the Court's and the
2 Parties' resources to continue pretrial deadlines while the Parties continue to negotiate.

3 THEREFORE, the Parties, through their undersigned counsel, hereby stipulate and agree:

4 1. Urata's responsive pleading deadline shall be continued to December 1, 2011.

5 2. The Case Management Conference current scheduled for November 17, 2011, shall be
6 continued to January 5, 2012.

7 **SO STIPULATED.**

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9 Dated: November 7, 2011

NIXON PEABODY LLP

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11 By /s/ Andrew Neilson

12 Attorneys for Plaintiff
13 WESTCHESTER SURPLUS LINES
14 INSURANCE COMPANY

15 Dated: November 7, 2011

ERICKSEN ARBUTHNOT LLP

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17 By /s/ Andrew Sclar

18 Attorneys for Defendant
19 URATA & SONS CEMENT, INC.
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[PROPOSED] ORDER

For good cause appearing:

1. Defendant Urata & Sons, Inc.'s responsive pleading deadline is continued to December 1, 2011.

2. The Case Management Conference currently scheduled for November 17, 2011, is continued to January 5, 2012, at 2:00 p.m. in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California. The parties shall meet and confer as required by FRCP 26(f) with respect to those subjects set forth in FRCP 16(c). Not less than seven days before the conference, counsel shall file a joint case management statement addressing each of the items listed in the "Standing Order For All Judges of the Northern District – Contents of Joint Case Management statement." Any request to reschedule the date of the conference shall be made in writing, and by stipulation if possible, at least ten days before the date of the conference and must be based on good cause.

IT IS SO ORDERED.

Dated: November 10, 2011

